

REMARKS

Reconsideration is respectfully requested.

Claims 6, 14 and 20 have been amended to correct typographical errors therein. Claim 15 has been amended to so that the term "communication assistance service entity" is consistently recited throughout the claim.

In the Office Action, Claims 1-24 were rejected under 35 U.S.C. 103 as being unpatentable over Devillier et al (US Pat No. 6,366,661) in view of Bansal et al. (US Pat No. 6,208,726). These references represent the state of the prior art as discussed in the "Background" section of the subject application. Devillier discloses conventional call notification service for on-line data network users ("Internet call waiting") in which a data network user can receive notifications of incoming calls and can specify call treatment options. This service work fine for some regions of the world, but is not available in all countries. In particular, the service requires a terminating number (called party) based intelligent switching system and a pay subscription in which the data network pre-registers for service. Bansal mentions conventional emergency call break through systems wherein an operator can connect into an existing telephone call to advise a party that a high priority caller is trying to get through. The caller incurs a special charge for this service. In many countries, operator assisted calling represents the premier resource for voice network call completion and billing services.

The present invention marries these two concepts such that a form of Internet call waiting is made available to data network subscribers without the need for terminating number based intelligent switching or pay subscriptions, and which is fully compatible with operator assisted calling. This is reflected in the independent claims, which specify that call notification is provided to an on-line data network user who has not pre-subscribed for automated data network

call notification service and that prior to the call notification a charging strategy is established relative to the caller.

The Office contends that it would have been obvious to modify Devillier to integrate the special charge aspect of Bansal so that Internet call waiting is provided with a charging strategy being worked out in advance. However, Devillier's notification system is a subscriber-based service and thus there would have been no motivation or incentive to provide for caller-side charge strategy establishment. In Devillier, the data network user/subscriber pays for all call notifications. It would be redundant to bill both the caller and the data network user for the same notification. The only way a charge would be issued to a caller taking advantage of Devillier's service is if the service was somehow modified to provide alternative charging options that would allow a subscriber to specify that he/she does not want to be billed for incoming notifications, and that callers are to be charged. This would be a very unlikely service scenario. Even assuming Devillier is modified so that callers are given a special charge, as in Bansal, this is not a charging strategy because no alternative charge options are given to the caller. In the subject application on page 9, an exemplary charging strategy is described that includes negotiation as who pays for the notification (caller or data network user) and how the charge is to be paid (coin deposit, billing account, etc.). The references fail to disclose or suggest such a negotiation.

Accordingly, it is believed that the rejection of claims 1-24 is in error. Additional grounds for patentability are further found in several of the dependent claims, as follows:

Claims 6, 13 and 20 specify that a call alert query is issued without billing verification of said on-line user. This subject matter is not mentioned in either of the references. In Devillier,

the on-line user is always a subscriber and thus billing verification must be performed. Bansal does not disclose call alert queries at all.

Claims 7, 14 and 21 specify that a call alert query is issued without subscriber verification of said on-line user. This subject matter is not mentioned in either of the references. In Devillier, the on-line user is always a subscriber and thus subscriber verification must be performed. Bansal does not disclose call alert queries at all.

In view of the foregoing, Applicant respectfully requests that the rejection be withdrawn and that Notices of Allowability and Allowance be duly issued.

Respectfully submitted,



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